

DECISION RECORD

K-Bar Trail and Guide Services AZA035448

DOI-BLM-AZ-P010-2011-002-EA

Decision: It is my decision to approve the K-Bar Trail and Guide Services Special Recreation Application and Permit for the maximum amount of time indicated on the application if all stipulations, mitigation measures, and reporting requirements are followed. The Proposed Action, of guiding a maximum of 5 horseback riders on the existing trails in the Hell's Canyon Wilderness Area per day on the Burro Flats Loop Trail will not cause any unnecessary or undue degradation while complying with specific stipulations and mitigation measures attached to the Environmental Assessment.

Rationale for Decision: The decision to allow the proposed action will not result in any significant environmental impacts. This action conforms to the following:

- *BLM Manual 2930*
- *BLM Handbook H-2932-1*
- *Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan* (April 2010) Decision WW-6:
 - Commercial recreation operations may be allowed in Hells Canyon Wilderness when such activities conform to wilderness management plans, resource protection, and wilderness management objectives, and may be performed to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area;
- *Hell's Canyon Wilderness Plan, Environmental Assessment, and Decision Record* (April 1995), which allows for issuance of SRPs and is consistent with the national goals and the wilderness plan objective.

In reviewing the Environmental Assessment, I determined that there are no significant impacts associated with the proposed action and have documented that in the Finding of No Significant Impact.

Public Involvement: The BLM made the Environmental Assessment and proposed Finding of No Significant Impact available for public comment on its NEPA log from February 28, 2011 through April 4, 2011. Interested publics were encouraged via email to review and comment on the EA during the comment period. No comments were submitted.

Implementation of the proposed action is in accordance with 43 CFR, Part 2930, Use Authorizations, 43 CFR, and Subpart 2932, which require Special Recreation Permits for commercial recreation activities on BLM administered public lands. Many recreation opportunities available on public land may not be available elsewhere. This action falls within the mandate of the BLM's multiple use management of public land.

Appeal Opportunities: The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on December 22, 2010. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

_____/s/_____

Steven Cohn

Field Manager

Hassayampa Field Office

__05/19/2011_____

Date

FINDING OF NO SIGNIFICANT IMPACT

DOI-BLM-AZ-P010-2011-002-EA

Hells Canyon Wilderness Special Recreation Permit Environmental Assessment

The Bureau of Land Management has conducted an Environmental Assessment for a proposed action to issue K-Bar Trail and Guide Services a special recreation permit to conduct horseback rides along the Burro Flats Loop Trail within the Hell's Canyon Wilderness.

FINDING OF NO SIGNIFICANT IMPACT

Based upon a review of the Environmental Assessment, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Impacts do not exceed those effects described in the *Bradshaw Harquahala Resource Approved Resource Management Plan and Record of Decision (2010)*. Therefore, an environmental impact statement is not required.

APPROVED BY:

_____/s/_____
Steve Cohn, Hassayampa Field Office Manager

__05/19/2011_____
Date

Hells Canyon Wilderness Special Recreation Permit Environmental Assessment

DOI-BLM-AZ-P010-2011-002-EA

Prepared by:
U.S. Department of Interior
Bureau of Land Management
Phoenix District Office
Hassayampa Field Office
Phoenix, Arizona
February, 2011



Table of Contents

Introduction	Error! Bookmark not defined.
Alternatives	Error! Bookmark not defined.
Affected Environment.....	Error! Bookmark not defined.
Environmental Consequences:	Error! Bookmark not defined.
Mitigation Measures.....	Error! Bookmark not defined.
List of Preparers:	Error! Bookmark not defined.

Introduction

Special Recreation Permits (SRP) are authorizations which allow for recreational uses of the public lands. They are issued as a means to control visitor use, protect recreational and natural resources, and provide for health and safety of visitors. Commercial SRPs are also issued as a mechanism to provide a fair return for commercial recreational use of public lands.

On July 19, 2010, Aaron McMurdie submitted a SRP to operate a business that will guide people on horseback to the Hells Canyon Wilderness Area on the Burro Flats loop trail, which is accessed off Cedar Basin Road. His recreation service would encompass the following geographic areas: T7N, R1W, Sections 18, 19, 20, 29, and 30 and T7N, R2W, Sections 2, 11, 12, 13, 24, and 25 Governors Peak, Arizona.

NEPA Number: DOI-BLM-AZ-P010-2011-002-EA

Office: Hassayampa Field Office

Case file number: AZA – 035448; LLAZP010000 L1220 EA

Purpose and Need for Action

The purpose of the proposed action is to conduct commercial, trail-based recreation via horseback in the BLM's Hell's Canyon Wilderness via SRP. The BLM responds to SRP requests as a discretionary action. The application is made pursuant regulations at 43 CFR 8372:

Issue recreation permits in an equitable manner for specific recreational uses of the public lands as a means to manage visitor use, protect recreation resources, provide for the health and safety of visitors, and provide for private and commercial recreation use.

The decision to be made is whether or not to issue the SRP.

Land Use Plan Conformance

The proposed action conforms to the the *Bradshaw-Harquahala Record of Decision and Approved Resource Management Plan*, April 2010. Specific decisions include:

- WW-6, Commercial recreation operations may be allowed in Hells Canyon Wilderness when such activities conform to wilderness management plans, resource protection, and wilderness management objectives, and may be performed to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area.

Additionally, the *Hell's Canyon Wilderness Plan, Environmental Assessment, and Decision Record (1995)*, allows for SRPs and is consistent with the national goals and the wilderness plan objective.

- “[D]ay use limited to 20 people and 10 stock; Each permit holder limited to a maximum of four groups per 14 day period.”

Scoping & Public Involvement

Prior scoping for the Land Use Plan occurred where wilderness is concerned. The LUP was signed within one year of this SRP application and includes various decisions that support the issuance of a Special Recreation Permit in wilderness. Public scoping associated with the RMP is considered sufficient for this process.

Two public input meetings were held in 1992 to determine planning issues associated with the Hells Canyon Wilderness Plan. As a result of these meetings a work group formed to assist the BLM in plan development. An eight-member group formed including three agencies and three ranching operations resulting in greater outreach efforts.

In addition, this environmental assessment will be made available for public review and comment prior to issuing a decision.

Alternatives

Proposed Action

Issue an SRP for commercial horseback guiding within the Hell's Canyon Wilderness. The proposed action will enhance the public's knowledge of wilderness areas through the activity of horseback riding on the western side of Hell's Canyon Wilderness Area.

The tour would be limited to a maximum number of six horses. Approximately eight groups are anticipated each month. The tour would be conducted during the day with no camping proposed. Horses will be restricted to the approved trail, Burro Flats Loop Trail and the permittee will practice minimal impact techniques as summarized in *Leave No Trace* literature. The staging area would be located outside of the Wilderness, at the junction of Cedar Basin Road and Castle Hot Springs Road.

No Action

Do not issue the Special Recreation Permit.

Alternatives Considered but Removed from Detailed Analysis

None

Affected Environment

Resources of the proposed action found to be unaffected by the proposed action and no action alternatives include:

- Areas of Critical Environmental Concern
- Environmental Justice
- Floodplains
- Hazardous Wastes
- Mineral Resources
- Prime/Unique Farmland
- Wild and Scenic Rivers

General setting

The proposed project area is located on the western side of Hell's Canyon Wilderness Area off Castle Hot Springs Road, Cedar Basin Road, and onto the Burro Flats Loop Trail. The area is in a fairly remote area with visitation picking up steadily on weekends.

Air Quality

Hell's Canyon Wilderness is designated as a Class II air quality zone. Most of the particulate matter in this vicinity is caused from construction, farming, industry, vehicle emissions, unpaved roads, and fireplaces.

Biological Resources (Wildlife, botanical, and T&E)

No threatened or endangered species exist. Mule deer, javelina, and mountain lion are the three big game species in the area. Small game animals include desert cottontail rabbits, mourning dove, white-winged dove, and Gambel's quail. Two special status wildlife species (the Arizona toad and the desert tortoise) are known to occur in the area. Most of the wilderness is covered by Sonoran desert shrub vegetation saguaro, palo verde, barrel cactus, ocotillo, and desert grasses.

Cultural Resources

Cultural resources exist in the area, including one site that has been recommended by other consultants as considered eligible for the National Register. Cultural resources in this wilderness have been allocated to scientific use category in accordance with Cultural Properties in the Phoenix Resource Area Cultural Resource Management Plan (U.S. Department of Interior, 1991c).

Rangelands

The staging area at the junction of Castle Hot Springs Road CHSR and Cedar Basin Road is located in a riparian area in downward trend, where soil loss is evident due to loss of native

vegetation. The area is used by the Eleven L grazing allotment supporting 240 head of cattle and four horses. Stock tanks exist along the road.

Lands and Realty

Two rights-of-ways exist in the area. This includes a road under RS 2477 and a telephone/telegraph service line.

Recreation

Presently there are no commercial operations of this type accessing the western side of the wilderness. CHSR and Cedar Basin Road is used by residents and motorized recreationists driving, viewing scenery, and enjoying motorized recreation opportunities. Recreation use in the wilderness is minimal. Opportunities for recreation exist from interesting and diverse topography as several cliffs offer climbing and the canyons offer opportunities for hiking and sightseeing. Primitive camping spots are abundant, and plants, animals, and geology provide photographic and viewing opportunities.

Environmental Consequences

Air quality

Impacts of Proposed Action

A minimal amount of dust may occur and settle quickly from the horses' hooves. It is anticipated that casual use would produce the same minimal amount of dust as the proposed action would produce and would not impact the local air quality.

Impacts of No Action Alternative

Casual use produces a minimal amount of dust and does not impact the local air quality.

Biological Resources (Wildlife, botanical, and T&E)

Impacts of Proposed Action

People and horses would be required to stay on existing roads and trails, therefore minimal disturbance to biological resources is anticipated.

Impacts of No Action Alternative

The horses and people using the area under casual use may or may not stay on existing roads and trails. As a result disturbances to the biological resources may occur due to trampling of plants, which may reduce vegetative cover affecting wildlife food and habitat.

Cultural Resources

Impacts of Proposed Action

Parts of this course have not been surveyed. Since the activity would remain on the existing roads and trails, it is not expected to impact any cultural/paleontological resource. Any cultural and/or paleontological resources discovered must be reported to the field office.

Impacts of No Action Alternative

Casual use does not imply that any discovered resources would be reported to the field office; which may result in the disappearance or loss of integrity to existing cultural resources.

Rangelands

Impacts of Proposed Action

Minimal impact to range is expected to occur. Visitors to this area as a result of this SRP would be guided and would be kept away from range developments.

Impacts of No Action Alternative

Existing use of area would occur. Visitors to the area may not keep away from existing range developments.

Lands and Realty

Impacts of Proposed Action

There would be no impact.

Impacts of No Action Alternative

There would be no impact.

Recreation

Impacts of Proposed Action

Use in this area may increase slightly as a result of the SRP. Use in the area is increasing as a result of OHV interests, so more people may be encountered along the Cedar Basin Road. Hiking or horseback riding in the wilderness may increase also as a result of the permit.

Commercial permit stipulations will also enhance the opportunity for solitude through limiting the number of users at one time. There are no commercial operations of this type on the western side of this wilderness area, where the proponent will operate. The activity proposed will allow the public to enjoy the wilderness and learn about the purpose of wilderness areas.

Impacts of No Action Alternative

Use in this area may remain steady with OHV visits increasing. OHV visits may result in more people hiking the wilderness, due to easier motorized access. Boundaries between wilderness use and non-wilderness use may blur as OHV users may enter the wilderness

Cumulative Impacts

More business minded people may apply for a SRP for the surrounding area, including the wilderness area. More people may visit the wilderness area, which may reduce solitude. More people would be aware of the area to horseback ride where use may increase. Non-motorized use may increase in the wilderness, while these people may be the eyes and ears to keep illegal uses out of the wilderness. Increased use of OHV on Cedar Basin and increased horse use may conflict, reducing the recreation experience for both types of uses. Road maintenance on the Cedar Basin Road may need to be enhanced to provide a safe corridor of travel and for increased use. The more people coming to this area may increase emergency response by law enforcement personnel. Vegetation along roads and trails may be reduced due to hardening of the soil, which prevents vegetative growth. Rancher may encounter more people in the allotment.

Mitigation Measures

- Plan ahead to avoid any unnecessary degradation to the wilderness resources while providing for the health and safety of your customers.
- Stay on existing roads and trails.
- Everything that gets packed in must come out, such as any litter. Even biodegradable items become an eyesore in the natural environment, so provide means to carry out peels, nut shells, and other food products.
- Bury human waste at least 70 adult steps away from any water or washes. Thoroughly bury toilet paper or pack it out in plastic bags.
- Leave all rocks, plants, archaeological artifacts, wildlife, burros, and other objects of interest as you find them.
- Reduce noise levels so the area remains a place of solitude.
- Keep away from range developments.
- Explain why it is important to close ranching gates in order to improve or maintain the health of the land.

List of Preparers

- Cultural Resources.....Chris McLaughlin
- Lands and Realty.....Hillary Conner
- Planning and Environmental Coordinator.....Leah Baker
- Range.....James Holden
- Recreation.....Mary Skordinsky
- Wildlife.....Codey Carter